

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

OHIO NATIONAL LIFE ASSURANCE
CORPORATION,
Plaintiff

v.

TRICIA JEAN MURPHY, LYNN ANN
POWERS, MARK ASHLEY WOOD, PENNY
JEAN WOOD, and SANDRA LEE WOOD,
Defendants

CIVIL ACTION NO. 04-40207FDS

**OHIO NATIONAL LIFE ASSURANCE CORPORATION'S MOTION TO DEPOSIT
PROCEEDS OF ANNUITY CONTRACTS INTO COURT**

The plaintiff, Ohio National Life Assurance Corporation ("Ohio National"), moves for an Order permitting it to deposit the disputed proceeds of two annuity contracts to the Clerk of this Court pending the outcome of this matter.

As grounds for its motion, Ohio National states that:

1. Ohio National filed a Complaint for Interpleader pursuant to Federal Rules of Civil Procedure 22 and 28 U.S.C. §§1335, 1397 and 2361 to require the defendants to interplead and settle among themselves their rights to the proceeds of two annuity contracts owned by the late Shirley B. Wood.

2. All of the defendants have executed waiver of service forms, but have yet to respond to the Complaint.

3. The subject of this litigation is the death benefits of the two annuity contracts totaling \$89,733.12. This amount is owed to one or all of the defendants as beneficiaries. Ohio National has no interest in the money to be deposited with the Court. Ohio National now seeks to

deposit these funds into Court until resolution of the litigation and distribution of the funds to one, or all of the defendants as ordered by the Court.

WHEREFORE, Ohio National respectfully requests this Court to permit it to deposit funds in the amount of \$89,773.12 with the Court.

OHIO NATIONAL LIFE ASSURANCE
CORPORATION

By its attorneys,

/s/ Kristina H. Allaire

Joseph M. Hamilton, BBO #546394

Kristina H. Allaire, BBO #646001

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Dated: November 23, 2004

CERTIFICATE OF SERVICE

I, Kristina H. Allaire, hereby certify that I have this day served a copy of the foregoing document, by mailing a copy, first class mail, postage prepaid, to John Sousa, Esq., 285 Main Street, Worcester, MA 01608; Sandra Lee Wood, 1108 East Villa Rita Drive, Phoenix, AZ 85022; Mark Ashley Wood, 117 Moreland Street, Worcester, MA 01608 01609-1043; Penny Jean Wood, 1736 Dewey Street, Apt. 2, Hollywood, FL 33020-6119; Lynn Ann Powers, 35 Windbrook Drive, Auburn, MA 01501-3015; Tricia Jean Murphy, 5 Trowbridge Circuit, Worcester, MA 01603.

/s/ Kristina H. Allaire

Kristina H. Allaire

Dated: November 23, 2004